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EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,870

Applicant(s)

PACK ET AL.

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-25-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-12-2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both "product item" and "Network interface." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The amendment to Paragraph 51 recites reference character "310." Reference character 310 is not supported by the drawings. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to claims **21-65** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim **64** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language "omit information linking...generates linking information" is indefinite because it is not clear whether the information omitted/generated explicitly or implicitly links program and product information. Also, "omit information linking" could mean only part of information linking is omitted or all of the information linking is omitted. From the specification (Page 23 Paragraph 71), it appears as though the data streams omit direct explicit information linking the product and program information and the control circuit generates explicit linking information from implicit information i.e. temporal information and product codes. From this interpretation the claim has been examined with the following language: The controller of claim 61, wherein, when the data streams omit direct explicit information linking the program and product information, the control circuit generates explicit linking information from implicit timing information to allow the program and product information to be simultaneously displayed on the screen.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **21-39, 61-62, 65** are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (US 5,929,849).

8. Regarding claim **21**, Kikinis teaches a method for displaying visual information, comprising: receiving a digital signal including channel data and product information containing at least one URL (See Fig. 2C, Fig. 3A, Abstract, Col. 3 lines 10-23, and Col. 6 lines 50-63; Col. 9 lines 24-67, Col. 10 lines 1-17); controlling a screen to simultaneously display the channel data and URL (See Fig. 2C, Abstract, Col. 3 lines 10-23, Col. 8 lines 65-67, Col. 9 lines 1-3); receiving a user-initiated signal indicating selection of the URL (See Abstract, Fig. 3A Step 101, Col. 9 lines 24-67, Col. 10 lines 1-17); and accessing information from a network address corresponding to the URL, wherein the URL corresponds to a product appearing in the displayed channel data (See Abstract, Fig. 3A Step 111 Col. 3 lines 10-23, Col. 9 lines 24-67, Col. 10 lines 1-17).

9. Regarding claim **22**, Kikinis teaches wherein the product information is received in a packet which includes: a payload including the URL; and a header containing an identifier which indicates that the packet is carrying product information (See Col. 5 lines 42-55, Col. 7 lines 18-27, Col. 10 lines 33-38 Product information is recorded in a separate data region of the transport stream from video data. In an MPEG-2 transport stream these separate data regions would be different types of streams. Streams are made up of packets. A payload including the URL and a header containing an identifier (PID) would be inherent to an MPEG-2 packet containing URL information).

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10. Regarding claim **23**, Kikinis teaches wherein the digital signal includes a time code for synchronizing display of the URL with the channel data (See Col. 9 lines 29-36 Tags linking URLs to images are a time code).

11. Regarding claim **24**, Kikinis teaches wherein the product information is included in a service information field of the digital signal (See Col. 5 lines 42-55, Col. 7 lines 18-27, Col. 10 lines 33-38 In an MPEG2 transport stream a separate data region would be a service information field).

12. Regarding claim **25**, Kikinis further teaches storing the product information in a memory separate from the channel data (See Col. 9 lines 29-63).

13. Regarding claim **26**, Kikinis teaches controlling the screen to simultaneously display the URL and a still frame of the channel data (See Col. 8 lines 65-67, Col. 9 lines 1-3, lines 36-53 Enhancing can simultaneously display URL and frame).

14. Regarding claim **27**, Kikinis teaches wherein the URL is displayed in association with a pointer which points to a product shown in the still frame (See Fig. 2C Cursor 70 Col. 8 lines 1-22 The cursor is a pointer which the user uses to point to a product shown in the still frame).

15. Regarding claim **28**, Kikinis teaches wherein the URL is displayed in association with a product which is highlighted in the still frame (See Col. 5 lines 18-27).

16. Regarding claim **29**, Kikinis teaches wherein controlling includes: controlling the screen to display an image with the URL and channel data (See Fig. 2A 57 BMW emblem and Col. 7 lines 48-56).

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17. Regarding claim **30**, Kikinis teaches wherein the image bears a resemblance to a product associated with the URL (See Fig. 2A 57 BMW emblem and Col. 7 lines 48-56).

18. Regarding claim **31**, Kikinis teaches wherein the image includes an icon associated with the product (See Fig. 2A 57 BMW emblem and Col. 7 lines 48-56).

19. Regarding claim **32**, Kikinis teaches wherein controlling includes controlling the screen to simultaneously display a plurality of URLs with the channel data, wherein each of the URLs corresponds to a different product appearing in the displayed channel data (Col. 6 lines 50-63, Col. 7 lines 10-17, Col. 9 lines 29-36).

20. Regarding claim **33**, Kikinis teaches wherein the URLs are displayed in a scrollable list over the channel data (See Fig. 2C Window 71 Col. 8 lines 1-22).

21. Regarding claim **34**, Kikinis teaches wherein the product information includes a product code which is displayed in association with the URL and channel data (See Fig. 2C Emblem 57 and Col. 6 lines 50-63 An emblem is a product code: a symbol that represents a product).

22. Regarding claim **35**, Kikinis teaches wherein the screen is a screen of a Web-TV (See Fig. 1 and Col. 5 lines 28-67 Col. 6 lines 1-32).

23. Regarding claim **36**, Kikinis teaches wherein the URL and channel data are displayed in response to activation of a control button (See Fig. 1 63, Col. 6 lines 23-32 Conventional remote functions include a control for powering the display ON. Since URL and channel data are displayed only after the display is powered ON, it follows that the URL and channel data are displayed in response to the control for powering the display ON).

24. Regarding claim **37**, Kikinis further teaches controlling display of the information accessed from the network address (See Col. 8 lines 1-22).

25. Regarding claim **38**, Kikinis further teaches wherein the accessed information includes at least one of price information, product appearance information, a name, and a product code (See Col. 2 lines 36-44, Col. 8 lines 23-37 The model name of a car is both a product code and a name).

26. Regarding claim **39**, Kikinis teaches wherein controlling includes: controlling the screen to simultaneously display the URL and an infra-coded picture of the channel data (See Fig. 3A, Col. 9 lines 24-53, Col. 10 lines 5-17 MPEG frames are an infra-coded picture).

27. Regarding claim **61**, Kikinis teaches a controller for a Web-TV, comprising: a network interface which receives data streams of program information and product information containing at least one URL (See Fig. 1 Decoder/Tuner 13 and Col. 5 lines 28-48 The Decoder/Tuner is an interface to a cable network); a memory for storing the product information (See Fig. 1 Col. 6 lines 1-12 and Col. 9 lines 29-35); a frame composer which forms an item selection video frame for allowing viewer selection of a product associated with the URL (See Fig. 1 MPEG 25 and Col. 42-55); and a control circuit which controls a screen to simultaneously display the program information and URL, and to process a user-initiated signal indicating selection of the URL, wherein the network interface accesses web-page data associated with the selected URL and the control circuit controls display of the Web-page data on the screen (See Fig. 1 CPU 19, Fig. 3A, Abstract, Col. 5 lines 34-41, and Col. 9 lines 28-67, Col. 10 lines 1-17).

28. Regarding claim **62**, Kikinis teaches wherein the data streams are broadcast in a multi-casting format (See Col. 3 lines 32-40 A TV broadcast is a multi-casting format).

29. Regarding claim **65**, Kikinis teaches wherein the control circuit simultaneously displays the URL and one of a still frame or infra-coded picture of the program information (See Fig. 3A, Col. 9 lines 24-53, Col. 10 lines 5-17 MPEG frames are an infra-coded picture).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims **40-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Inoue et al. (US 6,467,093).

32. Regarding claim **40**, Kikinis teaches a television controller, comprising: a data separator which separates a digital signal into channel data and service data including product information containing at least one URL (See Fig. 1 Decoder Tuner 13, and MPEG 25, Fig. 2C, Fig. 3A, Abstract, Col. 3 lines 10-23, Col. 5 lines 42-55, Col. 6 lines 50-63, Col. 9 lines 24-67, Col. 10 lines 1-17); a control circuit which controls a television screen to simultaneously display the channel data and URL, and to process a user-initiated signal indicating selection of the URL (See Fig. 1 CPU 19, Fig. 3A Step 105 and Col. 5 lines 27-67, Col. 6 lines 1-31, Col. 9 lines 24-67, Col. 10 line 1-17); and a network interface which accesses information from a network address corresponding to

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the URL, wherein the URL corresponds to a product appearing in the displayed channel data (See Fig. 1 Modem 35, ISDN 39, and Abstract, Col. 5 lines 42-55, Col. 6 lines 50-63). Kikinis fails to disclose where the digital signal comprises product information and other forms of service data and thus does not disclose a section filter which separates the product information from other forms of service data. However, Kikinis does teach where product information is packaged in an MPEG2 transport stream with product information in a separate data region than frame data (See Col. 5 lines 42-55, Col. 7 lines 18-46). It is well known in the art that an MPEG transport stream can have many different types of service data which are in separate data regions from frame data and that these different types of data can be separated by a section filter as taught by Inoue (See Fig. 2, Fig. 3 and Col. 7 lines 54-67, Col. 8 lines 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis' television controller so that it included a section filter as taught by Inoue so that different types of services could be provided to the user (See Col. 7 lines 59-67).

33. Regarding claim **41**, Kikinis modified with Inoue teaches wherein the product information is in a packet which includes: a payload including the URL; and a header containing an identifier indicating that the packet is carrying product information (See Kikinis Col. 5 lines 42-55, Col. 7 lines 18-27, Col. 10 lines 33-38 Product information is recorded in a separate data region of the transport stream from video data. In an MPEG-2 transport stream these separate data regions would be different types streams. Streams are made up of packets. A payload including the URL and a header

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containing an identifier (PID) would be inherent to an MPEG-2 packet containing URL information. See Inoue Fig. 2 Col. 7 lines 54-67, Col. 8 lines 1-45).

34. Regarding claim **42**, Kikinis modified with Inoue teaches wherein the section filter separates the product information from other types of information based on the identifier included in the header (See Inoue Col. 7 lines 54-67, Col. 8 lines 1-45).

35. Regarding claim **43**, Kikinis modified with Inoue teaches wherein said other information includes at least one of electronic program guide information and program specific information (See Inoue Fig. 2 and Col. 7 lines 54-67, Col. 8 lines 1-45).

36. Regarding claim **44**, Kikinis modified with Inoue teaches wherein the digital signal includes a time code for synchronizing display of the URL with the channel data (See Kikinis Col. 9 lines 29-36 Tags linking URLs to images are a time code).

37. Regarding claim **45**, Kikinis modified with Inoue teaches wherein the product information is included in a service information field of the digital signal (See Inoue Fig. 2 and Col. 7 lines 54-67, Col. 8 lines 1-45).

38. Regarding claim **46**, Kikinis modified with Inoue further teaches a memory for storing the product information separately from the channel data (See Kikinis Col. 9 lines 29-63).

39. Regarding claim **47**, Kikinis modified with Inoue teaches wherein the control circuit controls the screen to simultaneously display the URL and a still frame of the channel data (See Kikinis Col. 8 lines 65-67, Col. 9 lines 1-3, lines 36-53 Enhancing can simultaneously display URL and frame).

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40. Regarding claim **48**, Kikinis modified with Inoue further teaches the controller comprising a graphics generator which generates a pointer, wherein the control circuit displays the URL in association with the pointer which points to a product shown in the still frame (See Kikinis Fig. 1 VGA 35 Fig. 2C Cursor 70 Col. 5 lines 27-67, Col. 6 lines 1-31, Col. 8 lines 1-22 The cursor is a pointer which the user uses to point to a product shown in the still frame).

41. Regarding claim **49**, Kikinis modified with Inoue teaches wherein the control circuit controls the display of the URL in association with a product which is highlighted in the still frame (See Kikinis Col. 5 lines 18-27).

42. Regarding claim **50**, Kikinis modified with Inoue teaches wherein the control circuit controls the screen to display an image with the URL and channel data (See Kikinis Fig. 2A 57 BMW emblem and Col. 7 lines 48-56).

43. Regarding claim **51**, Kikinis modified with Inoue teaches wherein the image bears a resemblance to a product associated with the URL (See Kikinis Fig. 2A 57 BMW emblem and Col. 7 lines 48-56).

44. Regarding claim **52**, Kikinis modified with Inoue teaches wherein the image includes an icon associated with the product (See Kikinis Fig. 2A 57 BMW emblem and Col. 7 lines 48-56).

45. Regarding claim **53**, Kikinis modified with Inoue teaches wherein the control circuit controls the screen to simultaneously display a plurality of URLs with the channel data, wherein each of the URLs corresponds to a different product appearing in the

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displayed channel data (See Kikinis Col. 6 lines 50-63, Col. 7 lines 10-17, Col. 9 lines 29-36).

46. Regarding claim **54**, Kikinis modified with Inoue teaches wherein the URLs are displayed in a scrollable list over the channel data (See Kikinis Fig. 2C Window 71 Col. 8 lines 1-22).

47. Regarding claim **55**, Kikinis modified with Inoue teaches wherein the product information includes a product code which is displayed in association with the URL and the channel data (See Kikinis Fig. 2C Emblem 57 and Col. 6 lines 50-63 An emblem is a product code: a symbol that represents a product).

48. Regarding claim **56**, Kikinis modified with Inoue teaches wherein the URL and channel data are displayed in response to activation of a control button (See Kikinis Fig. 1 63, Col. 6 lines 23-32 Conventional remote functions include a control for powering the display ON. Since URL and channel data are displayed only after the display is powered ON, it follows that the URL and channel data are displayed in response to the control for powering the display ON).

49. Regarding claim **57**, Kikinis modified with Inoue teaches wherein the control unit controls display of the information accessed from the network address through the network interface (See Kikinis Col. 8 lines 1-22).

50. Regarding claim **58**, Kikinis modified with Inoue teaches wherein the accessed information includes at least one of price information, product appearance information, a name, and a product code (See Kikinis Col. 2 lines 36-44, Col. 8 lines 23-37 The model name of a car is both a product code and a name).

51. Regarding claim **59**, Kikinis modified with Inoue teaches wherein the control unit controls the screen to simultaneously display the URL and an infra-coded picture of the channel data (See Kikinis Fig. 3A, Col. 9 lines 24-53, Col. 10 lines 5-17 MPEG frames are an infra-coded picture).

52. Regarding claim **60**, Kikinis modified with Inoue further teaches the controller comprising: a frame composer which forms an item selection video frame for allowing viewer selection of a product associated with the URL (See Kikinis Fig. 1, VGA 33, Fig. 3A Steps 99,105 and Col. 5 lines 27-67, Col. 6 lines 1-32 Col. 9 lines 29-67 and Col. 10 lines 1-38).

53. Claim **63** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Rangan et al. (US 6,154,771).

54. Regarding claim **63**, Kikinis fails to disclose wherein the data streams are broadcast in a uni-casting format. However, Kikinis does disclose that his invention is broad enough to encompass any means of providing TV signals for display (See Col. 11 lines 51-55) and that his set-top box has a network interface module (See Col. 5 lines 55-67). Providing TV signals to a set-top box in a uni-cast format through a network interface module is well known in the art as taught by Rangan (See Col. 24 lines 38-65 Video on Demand is a uni-cast format). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis' system so that TV signals were provided in a uni-casting format as taught by Rangan to each individual subscriber could access content independently of other users.

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55. Claim **64** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Portuesi (US 5,774,666).

56. Regarding claim **64**, Kikinis fails to disclose wherein, when the data streams omit direct explicit information linking the program and product information, the control circuit generates explicit linking information from implicit timing information to allow the program and product information to be simultaneously displayed on the screen. In a similar endeavor, Portuesi teaches video data streams and URLs each occupying different tracks in a movie file and that the URL tracks contain timing information specifying when each URL is to be displayed and that a playback device interprets the timing information and generates video (explicit linking information) to allow program and product information to be displayed simultaneously on the screen (See Col. 4 lines 47-67 and Col. 5 lines 1-59 Col. 7 Table 2, Col. 9 lines 26-27). In this set up there is no explicit linking information in the URL track (See Cols 7 and 8 Tables showing information contained in URL track) and URLs and images are shown simultaneously (See Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis to have the data stream omit explicit linking information and have program and product information displayed simultaneously based on an implied relationship as taught by Portuesi to reduce the amount of bits in the data stream and thus conserve bandwidth required to transmitted product information (See Kikinis Col. 9 lines 29-35).

Conclusion

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57. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

58. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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61. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 3/25/2005



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